

REMARKS

Claim 12 was canceled, therefore claims 7-11 are pending in the present application. Claims 7 and 11 have been amended. In view of the following explanation, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

I. Claim Rejection under 35 U.S.C. §112, first paragraph

Claims 7-12 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner noted that the claimed limitation “a voltage regulator directly connected to the energy reserve” was not disclosed in the drawings and the substitute specification. In response, claim 7 has been amended to indicate that the energy reserve is connected to the voltage regulator through a polarity reversal diode and a current source. In view of the amendment, Applicants respectfully request that the rejection be withdrawn.

II. Claim Rejection under 35 U.S.C. §102(b)

Claims 7, 10, and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,898,122 (“Davis”). Claim 12 has been cancelled, and therefore the rejection of claim 12 is moot. For at least the following reasons, the rejection of the presently pending claims 7 and 10 should be withdrawn.

In order to reject a claim under 35 U.S.C. § 102(b), the Office must demonstrate that each and every claim feature is identically described or contained in a single prior art reference. See Scripps Clinic & Research Foundation v. Genentech, Inc., 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). Still further, not only must each of the claim features be identically described, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed subject matter of the claims. See Akzo, N.V. v. U.S.I.T.C., 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986). To the extent that the Examiner may be relying on the doctrine of inherent disclosure, the Examiner must provide a “basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art.” See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Int'l. 1990). Thus, the M.P.E.P. and the case law make clear that simply because a

certain result or characteristic may occur in the prior art does not establish the inherence of that result or characteristic. Accordingly, it is respectfully submitted that any anticipation rejection premised on the inherency doctrine is not sustainable absent the foregoing conditions.

Amended claim 7 recites a “device for supplying an ignition current from an energy reserve capacitor to at least one ignition power module, comprising: a voltage regulator connected to the energy reserve capacitor by a polarity reversal diode and at least one current source, the voltage regulator being connected to the at least one ignition power module such that the voltage regulator sets a voltage at the at least one ignition power module at a predetermined level; and a control module which selectively triggers the voltage regulator to alternatively operate as a safety semiconductor.” Applicants submit that Davis does not disclose or suggest the claimed voltage regulator. A voltage regulator is a device that is used to convert varying voltage at its inputs to a constant regulated output voltage at the output of the device. The Davis reference clearly does not disclose or suggest the presence of a voltage regulator. Reference item 21 of Davis, asserted by the Examiner as disclosing the presence of a voltage regulator, clearly refers to a simple transistor (specifically discusses an IGFET in Davis). See Davis, col. 3, lines 25-40. A field-effect transistor alone is not configured to output a constant output voltage and is completely and wholly different in its design and operation from a voltage regulator. The only similarity between a field-effect transistor and a voltage regulator is that they may both be designed to have three pins. Applicants therefore submit that the presence of a field-effect transistor does not disclose or suggest a voltage regulator.

Furthermore, Applicants submit that the Davis reference does not disclose or suggest the presence of an energy reserve capacitor. As indicated by the Examiner, Davis discusses reference item 23, which the Examiner asserts discloses the presence of an energy reserve. While Davis discusses that reference item 23 may be used to store energy, item 23 clearly refers to an inductor. See Davis, Col. 4, lines 4-10. Accordingly, Davis does not disclose or suggest a capacitor used as an energy reserve to supply ignition current to a power module.

Applicants further note that Davis does not contain any disclosure of a polarity reversal diode and at least one current source connecting a voltage regulator and an energy reserve. In Davis, transistor 21 (which is not equivalent to the claimed voltage regulator) is not connected to inductor 23 (which is different from the claimed capacitor) by a polarity reversal diode and a current source. See Davis, Fig 2. The source of FET 21 is clearly connected directly to one of the terminals of the inductor. See Davis, Fig 2. Moreover, diode 26, which is asserted by the Examiner as being situated between the energy reserve and the voltage regulator, is not actually situated between transistor 21 and inductor 23; instead, diode 26 connects a voltage supply with the drain terminal of FET 21. See Davis, Fig 2. Furthermore, Davis does not discuss the presence of a current source. Therefore, Davis does not disclose or suggest that a polarity reversal diode and a current source connect a voltage regulator to an energy reserve capacitor.

For at least the foregoing reasons, claim 7 and its dependent claim 10 are allowable over Davis, and the anticipation rejection should be withdrawn.

III. Claim Rejections under 35 U.S.C. §103(a)

Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Davis in view of U.S. Patent No. 5,845,729 ("Smith"). Claim 9 was rejected as being unpatentable over Davis in view of Smith and in further view of U.S. Patent No. 5,459,449 ("Ravas"). Claim 11 was rejected as being unpatentable over Davis in view of Ravas. Applicants respectfully submit that these rejections should be reversed for at least the following reasons.

In order for a claim to be rejected for obviousness under 35 U.S.C. § 103(a), the prior art must teach or suggest each element of the claim. See Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 934 (Fed. Cir. 1990), cert. denied, 111 S. Ct. 296 (1990); In re Bond, 910 F.2d 831, 834 (Fed. Cir. 1990). To establish a *prima facie* case of obviousness, the Examiner must show, *inter alia*, that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the references, and that, when so modified or combined, the prior art teaches or suggests all of the claim limitations. M.P.E.P. §2143. In addition, as clearly indicated by the Supreme Court, it is "important to identify a reason that would have

prompted a person of ordinary skill in the relevant field to combine the [prior art] elements” in the manner claimed. See KSR Int’l Co. v. Teleflex, Inc., 127 S. Ct. 1727 (2007). In addition, all the teachings of the prior art must be considered, including those which teach away from the claimed invention. (See MPEP 2143.01.II). To the extent that the Examiner may be relying on the doctrine of inherent disclosure to support the obviousness rejection, the Examiner must provide a “basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art.” (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

Claims 8, 9, and 11 depend from claim 7, and therefore claims 8, 9, and 11 are allowable for essentially the same reasons as claim 7 since the Smith reference and the Ravas reference, either individually or collectively, fail to cure -- and are not asserted to cure -- the critical deficiencies of the primary Davis reference as applied against parent claim 7.

CONCLUSION

In view of the above, it is respectfully submitted that all of the presently pending claims 7-11 are allowable. It is therefore respectfully requested that the rejections (and any objections) be withdrawn. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is respectfully requested.

Respectfully submitted,

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